

MINUTES

OF THE

NATURAL RESOURCE COMMISSION

TELEPHONE MEETING

SEPTEMBER 28, 2005

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

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MEETING MINUTES

CALL TO ORDER

The telephone meeting of the Natural Resource Commission was called to order by Chairperson Marcantonio at 8:35 a.m. on Wednesday, September 28, 2005 at the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

Liz Garst
Janice Marcantonio
Lennis Moore
Randy Duncan
Kim Francisco

MEMBERS ABSENT

Joan Schneider
Carol Kramer

APPROVE AGENDA

Motion was made by Commissioner Garst to approve the September 28, 2005 NRC agenda. Seconded by Commissioner Moore. Motion carried unanimously.

AGENDA APPROVED

BUDGET REQUEST FOR FY 2007

Linda Hanson, Administrator, Management Services Division, presented the following item.

The Commission is asked to approve the Department's appropriation request for Fiscal Year (FY) 2007. FY07 marks the second year in which executive branch departments and agencies' budget requests are submitted via a process termed, "Purchasing Results." This process does not follow the traditional method of beginning with a base budget and adding and subtracting. Instead, it focuses on the results Iowans want from their state government. The Governor, Lt. Governor and ultimately, the Legislature become buyers of government services on Iowans' behalf. The state agencies are sellers of these services.

Purchasing Results sets up a marketplace where buyers try to get the best deal they can from sellers. For each result, buying teams purchase offers from sellers' offers that will best and most efficiently produce these results.

For all activities the Department wants to conduct in FY07 with appropriated funds, whether they be existing, modified, or new activities, "Offers" must provide a given result that will be evaluated against one another and compete with all others for the dollars allocated to that result.

Each Offer will align with one of the Legislative Budget Subcommittees to achieve results. Those seven Results Areas are as follows:

- Education
- Health and Human Services
- Economic Development
- Justice
- Agriculture and Natural Resources
- Transportation, Infrastructure, and Capitals
- Administration and Regulation

On or before September 8th, the DNR intends to have completed its FY07 Budget Offers. These will be distributed to Commission members as soon as practical, and will be discussed thoroughly at the Commission meeting.

**DEPARTMENT OF NATURAL RESOURCES
FY 07 APPROPRIATION SUMMARY**

APPROPRIATION NAME	FY06 APPROP	FY 07 REQUEST	\$CHANGE FY07 REQUEST OVER FY06 APPROP
<u>GENERAL FUND APPROPRIATIONS</u>			
Department Operations	\$17,792,578	\$19,542,579	\$1,750,000
Total General Fund Appropriation	\$17,792,578	\$19,542,579	\$1,750,000
<u>TOBACCO SETTLEMENT FUNDS</u>			
Lewis and Clark Rural Water	\$2,500,000	\$0	(\$2,500,000)
Total Tobacco Settlement Appropriation	\$2,500,000	\$0	(\$2,500,000)
<u>INFRASTRUCTURE</u>			
Destination Park	\$3,000,000	\$0	(\$3,000,000)
Lake Cornelia Dredging and Bike Trails	\$429,000	\$0	(\$429,000)
Waubonsie State Park Improvements	\$1,500,000	\$0	(\$1,500,000)
Ft Atkinson Preserves Improvement	\$500,000	\$0	(\$500,000)
Mid America Port Commission	\$80,000	\$0	(\$80,000)

Iowa's Special Areas - Public Private Partnership	\$0	\$1,500,000	\$1,500,000
State Park Infrastructure Renovations	\$0	\$2,500,000	\$2,500,000
Statewide Digital Topographic Mapping (LiDAR)	\$0	\$1,500,000	\$1,500,000
Regional Office Construction	\$0	\$2,500,000	\$2,500,000
Renewable Energy from Waste - Community Demo	\$0	\$1,500,000	\$1,500,000
Total Infrastructure Appropriation	\$5,509,000	\$9,500,000	\$3,991,000
<u>ENVIRONMENT FIRST</u>			
Resource Enhancement and Protection	\$11,000,000	\$12,000,000	\$1,000,000
Marine Fuel Tax Capitals	\$2,300,000	\$2,700,000	\$400,000
Lake Restoration Program	\$1,500,000	\$2,000,000	\$500,000
Air Quality Livestock Monitoring	\$0	\$275,000	\$275,000
Water Quality Monitoring	\$2,955,000	\$3,755,000	\$800,000
GIS Data for Watershed Managers	\$195,000	\$195,000	\$0
Keepers of the Land Volunteer Program	\$100,000	\$100,000	\$0
Park Operations & Maintenance	\$2,000,000	\$2,000,000	\$0
Water Supply Appropriation	\$500,000	\$500,000	\$0
Total Environment First Appropriation	\$20,550,000	\$23,525,000	\$2,975,000
<u>NON-GENERAL FUND APPROPRIATIONS</u>			
Fish and Wildlife Operations	\$32,477,525	\$34,322,525	\$1,845,000
Fish and Wildlife Capitals	\$7,000,000	\$0	(\$7,000,000)
Air Quality Monitoring	\$275,000	\$0	(\$275,000)
Groundwater Fund	\$12,323,000	\$12,323,000	\$0
UST Administration Match	\$200,000	\$200,000	\$0
Snowmobile Transfer to Fish & Wildlife	\$100,000	\$0	(\$100,000)
Boat Registration Transfer to Fish & Wildlife	\$1,400,000	\$0	(\$1,400,000)
Total Non General Fund Appropriations	\$53,775,525	\$46,470,525	(\$7,305,000)
TOTAL	\$100,127,103	\$99,438,103	(\$723,000)
TOTAL DEPARTMENTAL FTE	1102.63	1117.63	15.00

**Department of Natural Resources
FY 07 Budget Offers**

General Fund

Public Lands and Outdoor Recreation	\$ 8,800,611
Watershed Protection and Restoration	\$ 5,199,533
Health and the Environment	\$ 3,792,435
1 Local Watershed Improvement efforts	\$ 800,000
2 State Park Operations and Safety	\$ 500,000

3	Energy Program Continuation	\$	100,000	
4	Healthy Iowa Lakes & Wetlands Demonstration Projects	\$	250,000	
5	Pollution Prevention (P2) Intern Program Enhancement	\$	100,000	
				\$19,542,000 \$1,750,000

Infrastructure

1	Iowa's Special Areas -- Public Private Partnerships	\$	1,500,000	
2	State Park Infrastructure Renovations	\$	2,500,000	
3	Statewide Digital Topographic Mapping (LiDAR)	\$	1,500,000	
4	Regional Office Construction	\$	2,500,000	
5	Renewable Energy from Waste -- A Community Demo Project	\$	1,500,000	
				\$ 9,500,000

Environment First

	Resource Enhancement and Protection		\$11,000,000	
	Marine Fuel Tax Capitals		\$ 2,300,000	
	Lake Restoration		\$ 1,500,000	
	Water Quality Monitoring		\$ 2,955,000	
	GIS Data for Watershed Managers		\$ 195,000	
	Keepers of the Land Volunteer Program		\$ 100,000	
	Park Operations & Maintenance		\$ 2,000,000	
	Water Supply Appropriation		\$ 500,000	
1	Resource Enhancement and Protection Enhancement		\$ 1,000,000	
2	Lake Restoration Enhancement		\$ 500,000	
3	Marine Fuel Tax Capitals Enhancement		\$ 400,000	
4	Air Quality Livestock Monitoring		\$ 275,000	
5	Water Quality Monitoring Enhancement		\$ 800,000	
				\$23,525,000 \$ 2,975,000

Non-General Fund

	Fish and Wildlife Operations		\$32,477,525	
1	Fish and Wildlife Operations Enhancements		\$ 1,845,000	\$34,322,525
	Groundwater Protection		\$12,323,000	
	UST Administration Match		\$ 200,000	
				\$46,845,525

Linda Hanson reported that changes had been made to the budget request the commissioners received. Diane Ford-Shivvers reviewed the changes and answered individual questions. Diane indicated a corrected copy of the budget materials, along with the offers with explanation would be sent to the commissioners. Note: Those changes are made on the item above.

Motion was made by Commissioner Francisco to approve the budget request for Fiscal Year 2007. Seconded by Commissioner Duncan. Motion carried unanimously.

'07 BUDGET APPROVED

EASEMENT FOR POND CONSTRUCTION AT MT. AYR WILDLIFE UNIT

Linda Hanson, Administrator, Management Services Division, presented the following item.

Project Scope

This easement is to allow NRCS to construct a grade stabilization structure (pond) on the Kellerton Wildlife Area in Ringgold County. The primary purpose for this structure is for flood control with grade stabilization, erosion control and recreation secondary.

Benefits to Public/Area

The creation of this pond on public land will enhance the recreational opportunities of the area. First, it will create a new, high quality 10 acre fishing pond. Secondly, it will provide a water source for cattle on this tract, allowing the use of grazing as a management tool. This is an important type of management for creating habitat for prairie chickens and other grassland birds. The pond will also provide some waterfowl hunting opportunity and edge habitat to diversify the area.

Cost and Funding Source

The cost of this project is approx. \$35,000 - \$40,000 and will be paid entirely by the 566 Public Funds.

Linda Hanson reviewed aspects of the easement for pond construction at the Kellerton Wildlife Area in Ringgold County.

Motion was made by Commissioner Garst to approve the easement for pond construction at the Mt. Ayr Wildlife Unit. Seconded by Commissioner Francisco. Motion carried unanimously.

EASEMENT APPROVED

NOTICE OF INTENDED ACTION AND FILED EMERGENCY—CHAPTER 115, WHITETAIL HUNTING PRESERVES

Kenneth Herring, Administrator, Conservation and Recreation Division, presented the following item.

The Commission is asked to create new Chapter 115, "Whitetail Hunting Preserves," Iowa Administrative Code. This new rule will implement the requirements and procedures of new Iowa Code chapter 484C, which regulates the establishment and operation of whitetail deer hunting preserves.

This Notice was presented at the September Commission meeting, however, because of time constraints with seasons etc. the whitetail preserve operators are interested in having this new rule go into effect as soon as possible. Some additions and changes to the proposed rule have been made based-upon preliminary comments received from the whitetail preserve operators and other interested parties.

NATURAL RESOURCE COMMISSION [571]
Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 484C.3, the Natural Resource Commission hereby adopts new Chapter 115, "Whitetail Hunting Preserves," Iowa Administrative Code.

Proposed chapter 115 is intended to implement the requirements and procedures of Chapter 484C, Code of Iowa, which regulates the establishment and operation of whitetail deer hunting preserves.

In compliance with Iowa Code section 17A.4(2), the Commission finds that notice and public participation are impracticable because of the immediate need to place this rule into effect for existing preserve operators.

The Commission also finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of the amendment should be waived and this rule making should be made effective upon filing with the Administrative Rules Coordinator on (either 10/14 or 10/21; you pick), as it confers a benefit upon the whitetail preserve operators who are currently involved with fall whitetail hunting and reservations already placed by hunters.

The Natural Resource Commission adopted this rule making on September 28, 2005.

This rule making is also published herein under Notice of Intended Action as ARC _____ to allow public comment. This emergency filing permits the Department to comply with the requirements of new Chapter 484C of the Iowa Code.

These rules are intended to implement Iowa Code chapter 484C.

The following new chapter became effective September 30, 2005.

Adopt **new** 571--Chapter 115(484C) as follows:

CHAPTER 115
WHITETAIL HUNTING PRESERVES

571—115.1(484C) Definitions. As used in these rules:

"Annual activity report" means the Annual Report Form provided by the department.

"Boundary sign" means a sign prescribed by the department which, when posted, designates the registered hunting preserve boundaries.

"Documented event" means but is not limited to the birth, death, harvest, transfer, sale, purchase, escape or release of preserve whitetail.

"Privately owned" means the propagation and holding of whitetail deer whose origins are from privately owned populations.

"Registrant" means a person or organization that holds an interest in land including a title holder that registers annually to possess a whitetail hunting preserve operator's registration issued by the Iowa department of natural resources.

"Transportation tag" means a self-adhesive, numbered tag for marking individual whitetail deer carcass prior to transportation.

"Whitetail" means an animal belonging to the cervidae family and classified as part of the virginianus species of the odocoileus genus.

"Whitetail hunting preserve operator's annual registration" means a registration which authorizes the holder to establish a hunting preserve for the purpose of holding, propagating, and releasing privately owned whitetail deer for hunting purposes.

571—115.2(484C) Hunting preserve operator's registration. A hunting preserve operator's registration may, following review and inspection, be issued to a person or organization who, upon application, complies with all requirements established in Iowa Code section 484C.4 and this chapter. The registration fee shall be \$350 annually. Renewal registration fees shall be due and payable to the department no later than June 30 and must be accompanied by a completed annual report of the current fiscal year.

571—115.3(484C) Boundary signs required. All registered hunting preserves shall provide, post, and maintain boundary signs which meet the following minimum specifications: 160 square-inch surface area; sign material of wood, steel, aluminum or heavy poly-plastic; and white/red sign color combination with the message "Registered Hunting Preserve." Boundary signs shall be posted at each entrance and perimeter gate and at every boundary corner. If the facility operated prior to September 1, 2005, and was signed as a "Licensed Hunting Preserve," those signs will satisfy the signing requirement. However, once existing sign supplies are depleted, new signs must read "Registered Hunting Preserve."

571—115.4(484C) Fencing required. All registered hunting preserves possessing a valid hunting preserve registration for whitetail deer shall construct and maintain a "deer-proof" boundary fence. Preserves shall have fence constructed and maintained with a minimum fence height of 8 feet above ground level. Fencing shall be inspected and approved by officers of the department prior to certification. Follow-up fence inspections by the department shall be allowed at any reasonable time by appointment or by providing the landowner or preserve registrant with at least 48 hours notice. Boundary fence gates shall remain closed at all times except for preserve maintenance activity at which time no open gate shall be left unattended.

571—115.5(484C) Records and annual report. All registered hunting preserves shall submit a completed annual activity report no later than June 30 of the current year to the Law Enforcement Bureau, Iowa Department of Natural Resources, Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319-0034. All registered hunting preserves shall retain sales/shipping receipts involving the purchase and delivery of any whitetail deer to the registrant. All registered hunting preserves shall record any transaction involving the sale or purchase of whitetail deer. All original sales receipts for harvested whitetail deer shall remain with the registrant as a part of the permanent record and a copy shall be provided to the purchasing client. This record requirement shall also apply to any sale of live whitetail deer for private or commercial use and must be recorded immediately following the event.

571—115.6(484C) Whitetail deer transportation tags. Numbered, self-adhesive transportation tags shall be placed on a leg of each whitetail harvested on a registered hunting preserve prior to moving the carcass in any manner. The client shall, upon taking a whitetail, immediately validate the transportation tag by including the following information in the space provided: species and sex of animal taken and the client's signature. The client shall also notch or punch a hole in the corresponding blocks on the transportation tag designating the year, month and day the animal was taken. The transportation tag shall remain attached to the whitetail until it is processed for consumption. Transportation tags shall be purchased from the License Bureau of the Iowa

Department of Natural Resources, Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319-0034, at a cost of \$1 per tag.

571—115.7(484C) Processed whitetail deer. Registered hunting preserves may prepare whitetail deer for clients by cleaning, dressing, preserving, and packaging the meat. Packaging material shall bear the transportation tag number, date killed, and hunting preserve name in a legible fashion on the outside of the package. The transportation tag shall remain with the meat during processing and shipment.

571—115.8(484C) Health requirements—whitetail deer. No whitetail deer shipped or transported into or within Iowa shall be affected with, or recently exposed to, any infectious, contagious, or communicable disease, or originate from a quarantined area. All whitetail deer shipped or transported into or within Iowa for hunting preserve purposes must comply with all movement requirements, including but not limited to health certificate requirements, as prescribed by the department and the Department of Agriculture and Land Stewardship as established in Iowa Administrative Code 21—65.9(163) and 21—66.14(163). All veterinary inspection certificates shall be retained by the registrant for a period of no less than five years.

571--115.9(484C) Chronic wasting disease testing.

115.9(1) Testing required. A person who keeps whitetail deer under this chapter shall have chronic wasting disease tests performed on the following:

a. Any whitetail that dies or is killed on the premises. A person trained and authorized shall collect the test sample and shall submit the sample for testing at an approved laboratory. This paragraph does not apply to whitetails less than six months old.

b. Any whitetail that is shipped to slaughter from the herd premises. A person trained and authorized shall collect the test sample after the whitetail is slaughtered and shall submit the sample for testing at an approved laboratory. This paragraph does not apply to whitetails less than six months old.

c. Testing under this subrule shall not qualify the herd for certification in the chronic wasting disease program administered by the Department of Agriculture and Land Stewardship. No live animals will be allowed to leave the hunting preserves.

115.9(2) Collecting test samples. One of the following persons shall collect a test sample and submit it for testing:

a. A certified veterinarian.

b. An employee of the department authorized by the department.

c. A person approved by the department. Before a person collects a test sample, that person shall complete training approved by the department. The person shall comply with standard veterinary procedures when collecting a test sample.

115.9(3) Reporting disease findings. Whenever any person receives a laboratory test result for chronic wasting disease, that person shall immediately report that result to the department. The person shall report by telephone, fax or other rapid means within one day after receiving the test result and shall report in writing within ten days. The person shall provide a copy of the test result to the owner of the tested whitetail. This reporting requirement applies to

any laboratory test result for chronic wasting disease. Telephone and fax reports should be made to the following telephone numbers: (515)281-6156 or fax (515)281-6794. Written reports should be sent to: Iowa Department of Natural Resources, 502 E. 9th Street, Des Moines, Iowa 50319-0034, ATTN: Wildlife Bureau.

571--115.10(484C) Positive chronic wasting disease test results. A positive test result for chronic wasting disease will result in a minimum of five-year quarantine on the preserve and all remaining animals located within the infected preserve. No animal movement in or out, shall occur during the quarantine period. The preserve owner, the owner's veterinarian if requested, and a designated epidemiologist shall develop a plan for eradicating chronic wasting disease in each affected herd. The plan must be designed to reduce and then eliminate chronic wasting disease from the herd, to prevent the spread of the disease to other herds, both privately owned and wild, and to prevent reintroduction of chronic wasting disease after the herd is released from quarantine. The herd plan must be developed and signed within 30 days after the determination that the herd is infected. The plan must be formalized as a memorandum of agreement between the preserve owner, the department and the State Veterinarian's office. Disposal of infected animals must be in accordance with 571--Chapter 104.11(484C). Premises must be cleaned and disinfected under department supervision within 15 days after affected animals have been removed.

571—115.11(484C) General conditions for registration.

1. Records shall be available for inspection by officers of the department during any reasonable hours.
2. All records and reports shall be kept current and shall reflect a true and accurate account of the registrant's activities.
3. The department's law enforcement bureau shall be notified within 30 days in writing if the registrant ceases operation as a hunting preserve, at which time all unused whitetail deer transportation tags shall be returned to the department.
4. Registrants shall renew their hunting preserve operator's registration and recertify no later than June 30. Registration renewal and recertification requests received by the department after June 30 shall be considered delinquent.
5. The department shall not renew a hunting preserve registration unless a completed annual report, including all documented events for the reporting period, has been received by the department prior to the reporting deadline.
6. For purposes of this rule, there shall be a continuous open season on whitetail enclosed on registered preserves.
7. Individuals may use centerfire rifles, pistols, crossbows, modern or traditional archery equipment, muzzleloaders, or shotguns to hunt and harvest preserve whitetail deer.

These rules are intended to implement Iowa Code section 484C.

Date

Jeffrey R. Vonk, Director

NATURAL RESOURCE COMMISSION [571]
Notice of Intended Action

Pursuant to the authority of Iowa Code section 484C.3, the Natural Resource Commission hereby gives Notice of Intended Action to adopt new Chapter 115, "Whitetail Hunting Preserves," Iowa Administrative Code.

Proposed chapter 115 is intended to implement the requirements and procedures of Chapter 484C, Code of Iowa, which regulates the establishment and operation of whitetail deer hunting preserves.

Any interested person may make written suggestions or comments on the proposed chapter on or before November 15, 2005. Such written materials should be directed to Steve Derman, Law Enforcement Bureau, Department of Natural Resources, 502 E 9th Street, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons wishing to convey their views orally should contact Steve Derman at (515)281-4515 or at the Wallace State Office Building.

A public hearing will be held on November 15, 2005, at 10 a.m. in the Fourth Floor East Conference Room of the Wallace State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the rules.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

This amendment was also Adopted and Filed Emergency and is published herein as ARC _____. The content of that submission is incorporated by reference.

These rules are intended to implement Iowa Code chapter 484C.

Date

Jeffrey R. Vonk, Director

Dale Garner relayed that following the approval of the Notice at the last meeting, some additions and changes were made to the rule based upon comments from the whitetail preserve operators and other interested parties. The rule will be filed emergency because of time constraints with seasons and because the preserve operators are interested in having this rule go into effect as soon as possible. Mr. Garner briefly reviewed the changes and answered individual questions.

Commissioner Garst questioned the change from requiring a ten-foot fence to an eight foot fence and whether that would properly provide protection of the wild deer herd.

Dale Garner explained that the Code requirement is an eight foot fence so a change from that would require a legislative Code change.

Liz Garst asked that staff work toward a Code change to require a ten foot fence.

Director Vonk responded that staff would work toward that change but noted that those deer preserves that now have eight foot fences would most likely be grandfathered into the law. He also cautioned that it is often difficult to change or increase a regulation on what an industry does.

Motion was made by Commissioner Duncan to approve Notice and Emergency Filed—Chapter 115, Whitetail Hunting Preserves. Seconded by Commissioner Francisco. Motion carried unanimously.

NOTICE AND EMERGENCY RULE APPROVED

NEXT MEETING DATES

The next meeting will be at the Prairie's Edge Nature Center in Cresco on October 13.

ADJOURNMENT

Motion was made by Commissioner Garst to adjourn the September 28, 2005 NRC telephone meeting. Seconded by Commissioner Duncan. Meeting adjourned at 8:53 a.m.

Jeffrey R. Vonk, Director

Janice Marcantonio, Chairperson

Randy Duncan, Secretary

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